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January 14, 2016

Via ECF and Email

The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *George Packard, et al., v. City of New York, et al.*, No. 1:15-cv-7130-AT

Dear Judge Torres:

Pursuant to Your Honor's November 9, 2015 Order (Dkt. No. 24), the plaintiffs and defendants in the above-referenced matter are required to submit today a joint letter in advance of the initial pretrial conference at 4:15 pm on Tuesday, January 19, 2016. Plaintiffs contacted defendants in order to comply with the above-referenced order, but defendants declined to submit the joint letter and case management plan, as they believe that the joint letter and plan would be premature. Instead, defendants rely on their pre-motion letter submitted to the Court today. There are multiple filing deadlines today because of defendants' numerous extension requests. Plaintiffs believe that the current schedule should progress forward, including the initial pretrial conference, and plaintiffs are filing this letter on their own behalf.

The below paragraphs briefly respond for the plaintiffs to the requested topics set forth in the Initial Pretrial Conference Order of September 14, 2015 (Dkt. No. 8):

Description of Case:

This putative class action is focused on the unlawful and warrantless arrest of people engaged in expressive speech activity during the First Anniversary of the Occupy Wall Street protests. These arrests without actual criminal conduct occurred due to the continued policies, practices, and customs of the City of New York and the individual defendants, that disregarded the constitutional rights of those engaged in expressive speech activity without actual criminal conduct as detailed extensively within the Complaint. The proposed class seeks to recover damages for all those falsely arrested and to enjoin the City of New York from continuing those policies, practices, and customs.

A. Factual and Legal Bases of Claims:

The action relies upon academic studies, police reports and bulletins, individual experiences, prior legal actions and their evidentiary records, and news reports. The factual allegations are detailed within the Complaint. The claims are brought pursuant to *Monell v. New York City Dep't Social Services*, 436 U.S. 658 (1978) and its progeny, 42 U.S.C. § 1983, and New York state common law as it relates to the false arrest of those engaged in expressive speech activity.

B. Contemplated Defenses:

[Awaiting Defendants Input]

Contemplated Motions:

At an appropriate time plaintiffs anticipate moving for class certification. Also, following discovery, plaintiffs may determine to move for summary judgment on some or all of the claims.

[Awaiting Defendants Input]

Prospect of Settlement:

To date, the parties have not discussed settlement.

Dated January 14, 2016

Respectfully submitted,

/s/
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